

Minutes of the Personnel Committee

Tuesday, July 15, 2003

Chair Paulson called the meeting to order at 1:02 p.m.

Closed Session

MOTION: Broesch moved, second by Morris to go into closed session at 1:03 p.m. in accordance with Section 19.85 (1)(e) Wis. Stats. for the purpose of discussing collective bargaining issues associated with the 2002-2005 labor contracts, and to approve the closed session minutes of June 17, 2003. Motion carried 5-0.

MOTION: Broesch moved, second by Seitz to return to open session at 1:13 p.m. Motion carried 7-0.

Present: Supervisors Duane Paulson (Chair), Jeff Morris, Carl Seitz, Bob Thelen, Matt Thomas, Pete Gundrum, and Don Broesch.

Also Present: Legislative Policy Advisor Mark Mader, Legislative Policy Advisor Dave Krahn, Chief of Staff Lee Esler, Citizen Jerald Peterson, Labor Relations Manager Jim Richter, Senior Financial Analyst Mike Baniel, Sheriff Dan Trawicki, Inspector Bob Johannik, Jail Administrator Mike Giese, Corporation Counsel Tom Farley, Clerk of Courts Carolyn Evenson, and County Board Supervisors Mareth Kipp, Bonnie Morris, Vera Stroud, Alicia Silva, Dick Manke, Rodell Singert, Pat Haukohl, Bill Mitchell, Duane Stamsta, and Hank Carlson.

Public Comments

Citizen Jerald Peterson said he did not think any salary increases were appropriate due to the economy. Businesses are going bankrupt and people are being laid off. He said his wife, a public school teacher, had to take a pay cut and now it's the elected officials' turn.

Approve Minutes of June 17, 2003

MOTION: Broesch moved, second by Morris to approve the minutes of June 17. Motion carried 7-0.

Schedule Next Meeting Dates

August 5th

Announcements

Paulson said he attended the National Association of Counties conference Sunday through Tuesday. Secretary Tommy Thompson gave an excellent speech on problems with health and human services. The man whom the movie Catch Me if You Can was based gave a speech and talked about his life story. Paulson noted that he also attended several breakout sessions.

Review Correspondence

Paulson advised of a letter from Citizen Jerald Peterson opposing salary increases for the County's elected officials, and a letter from Supervisor Vera Stroud proposing that salaries be increased 1.5%, partially based on the rate of inflation.

Ordinance 158O- 028: Authorization to Pay Legal Fees for Sworn Officers Appropriately Using Deadly Force

MOTION: Broesch moved, second by Morris to approve ordinance 158-O-028.

Thomas, as vice-chair of the committee, took over the meeting so Paulson, who proposed this ordinance, could explain his position. Paulson said this idea came about from a Sheriff's deputy who had been involved in a deadly force incident. The District Attorney had advised the officer that the family of the deceased would be asking for an inquest hearing. That officer hired an attorney due to the possibility of a civil lawsuit against him when he was just doing his job for which he's been trained. There is a state provision that allows for payment of legal fees for sworn officers doing their job. Ultimately, the issue came before this committee who agreed to pay the officer's legal fees which totaled about \$3,200. Paulson said the ordinance only applies to those who are not charged with a crime and those not under investigation. He noted that the automatic reimbursement limit is \$3,500. He said the offset as to whether or not we would get sued in a wrongful death case is tremendous.

Farley felt Paulson made some very good points and he said there are a lot of reasons why the County would want to pay these legal fees. However, this ordinance will mandate what is currently discretionary. Currently, an officer involved in a deadly force incident would submit a bill to the County and a County Board Committee would review the bill including the number of hours spent by the attorney and whether or not his or her rates were reasonable. The committee would then decide whether or not it should be paid. Farley does not believe the County should limit their discretion by creating this ordinance which would make the payment mandatory without any type of review. He feels it's important because each case is different. It's important to note that this involves criminal processes and not civil processes. He referred to a past case where there was a strong feeling of wrongdoing on the officer's part but the court and the Sheriff's Grievance Committee decided differently and that person was reinstated. He's concerned this could happen again. Farley noted that the Legislature has a similar reimbursement policy in place and this has run into criticism lately. Farley said the City of Waukesha and Rock County have similar policies but they have been bargained for in the collective bargaining process. He wondered why the County would want to mandate this without the "give and takes" that are made during that process.

Trawicki asked, rhetorically speaking, why would we want to give something to a County employee without bargaining for it? He said he has a problem with the mindset "don't give away anything for nothing." He felt this is an issue of fairness and he believes it should be done because it's the right thing to do – with or without collective bargaining. These are deputy sheriffs acting on your behalf and all the citizens of Waukesha County. He said caveats are in the ordinance to protect the County. He believes it is the County's responsibility to do this as these are clearly justified cases of deadly force and the officer is not under investigation. He does not believe a labor union attorney representing an officer in a case such as this is reasonable. Trawicki felt it was reasonable to extend this to correctional officers who could very easily become involved in deadly force situations.

MOTION: Paulson moved, second by Gundrum to amend the ordinance to include all sworn officers. Motion carried 7-0.

This issue was discussed in length with Broesch and Carlson speaking in favor of the ordinance. Thomas suggested the Personnel Committee review the issue on occasion to ensure it isn't being abused. Trawicki said in the last 25 years, there's been maybe three or four of these instances. Kipp asked if the County could choose to pay a bill in excess of \$3,500. Paulson referred to lines 37 and 38 of the ordinance which states "the County Board may entertain a request by the sworn officer for more than \$3,500 if the circumstances warrant it."

The original motion to approve the ordinance as amended carried 7-0.

Ordinance 158O- 022: Establish Salaries for Elected Officials

Ordinance 158-O-022 was referred back to this committee at the last County Board meeting. Paulson referred to a staff letter explaining per diems which was sent to all committee members. He asked if anyone was interested in pursuing per diems. Broesch said he had submitted a proposal a while back to

staff which would recognize the following: those supervisors that carry a heavy workload, those that carry a small workload, and those that don't show up to the meetings they're suppose to. He felt in all fairness to the taxpayers, if you're not at a meeting of which you're a member, you shouldn't be paid for it. He is not proposing per diems but pay for performance. He went on to explain his proposal in detail. Seitz suggested being able to take legitimate leaves of absence, perhaps five in a two-year period, without being penalized. Broesch agreed this was reasonable. Paulson did not support Broesch's proposal nor did he support per diems, partly because it's administratively time consuming. He believes the current system is the best even though there are some inequities. Thomas also did not support per diems. He said if a supervisor had a poor attendance record, it's unlikely he or she will be re-elected.

MOTION: Thomas moved, second by Gundrum that ordinance 158-O-022 be approved with the following amendments: that all full-time elected officials receive a salary increase of 1.5% annually, and that the County Board Supervisors' salary be frozen at the current rate.

Gundrum said he supports Thomas' proposal because the supervisors are part-time and the main focus is public service. Also, the state representatives have frozen their salaries for the next term to 2006. Broesch did not support the 1.5% and he felt it was "way out of step" with what other employees have received. Manke did not support Thomas' motion and he feels the elected officials shouldn't have to "take a back seat to other employees." He added that nobody ever got rich serving on the County Board. Stroud said the press use to publish supervisor attendance records around election time and she hopes that continues. Thelen also did not support Thomas' amendment and he mentioned that there are some elected officials who aren't taking advantage of some of the County's benefits that are available to them. Therefore, a salary increase would be appropriate and he supports the original ordinance as written.

Motion defeated 3-4. Morris, Thomas, and Gundrum voted yes.

MOTION: Thelen moved, second by Seitz to approve ordinance 158-O-022 as originally written.

Thomas said this sends a message that we're not willing to negotiate and reduce salary increases. It also sends the message that you can get increases double the inflation rate, not including bonuses. He would like to work towards a compromise which sends the message we're willing to work together to reduce spending.

Esler discussed the importance of this committee establishing a salary system no matter how many committee meetings it takes. He said the Personnel Committee and the work they need to do is very important. The Personnel Committee is the guardian of the most important resource we have: the personnel and compensation system. He also discussed the importance of employee morale and the high cost associated with poor employee morale which he gave examples of.

He said the County Board discussed the original ordinance for just under two hours before it was referred back to this committee to come up with something else that was reasonable. The current system for establishing salaries, which has been in place since 1996, may not be viable today. In 1996, we were dealing with "catch up" salary increases due to inflation in the early 1990's. These were cost of living adjustments – neither an increase nor a decrease. Esler said the staff memo suggests, as a compromise, looking at cost of living adjustments (COLA). Using the Urban Wage Index for the Milwaukee Metropolitan area which includes Waukesha County, Esler suggested an annual COLA of 2% which he considers an inflation freeze because the COLA in 2002 was 1.4% and 2.7% in 2001, which is an average annual COLA of 2% for the period in question. It is not an increase or a decrease. If you don't adjust for inflation it's considered a cut and this is what the State's proposing. The 2% figure could also be used as a benchmark when considering compensation systems for other employees. Again, he stressed the importance of the committee coming up with a consensus with regards to establishing a compensation system.

Broesch said he supported the salary increases written in the ordinance for the elected officials with the exception of the County Board Supervisors of which he would be willing to go along with a compromise. Gundrum said as much as he would like to give salary increases, their constituents are losing their jobs and he did not feel salary increases were appropriate at this time. Thomas said he would be willing to support the original ordinance with regards to salary increases for the full-time elected officials, but propose a salary freeze in the first year for the County Board Supervisors and then a 1.5% salary increase the following year for County Board Supervisors. Esler noted that the County Board Supervisor salaries are behind the CPI, since 1991, by about \$300. Morris said he has friends who took 10% pay cuts just to keep their jobs. Thelen asked how many supervisors who support a salary freeze have given the money back to the County? He said the last time he checked nobody had. He also noted that this ordinance affects the next elected board. Thomas said one way of giving back to the taxpayers would be to not submit expenses for reimbursement.

Seitz called for the question, second by Thelen. The vote carried 5-2. Gundrum and Thomas voted no.

The motion to approve ordinance 158-O-022 as originally written, with no amendments, carried 4-3. Morris, Gundrum, and Thomas voted no.

Future Agenda Items

Discuss Possible Ordinance to Reduce Current Supervisor Salaries (Broesch)

MOTION: Gundrum moved, second by Thomas to adjourn at 3:02 p.m. Motion carried 7-0.

Recorded by Mary Pedersen, Legislative Associate.

Respectfully submitted,

Peter Gundrum
Secretary